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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 040447/0233

NOV 24 2003

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Applicant: Yuji TSUKAMOTO et al.

Title: CONTENT RENTAL SYSTEM

Serial No. 09/851,424

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NOV 20 2003

Filed: May 9, 2001

Technology Center 2600

Examiner: Unknown

Art Unit: 2614

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO-SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

CERTIFICATION

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that items of information A2 through A7 listed on the Form PTO SB/08 submitted with this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement. Item of information A1 is a U.S. Patent that is a counterpart of item of information A5.

RELEVANCE OF EACH DOCUMENT

A translation of a portion of a Japanese Office Action that issued October 7, 2003 with respect to a counterpart Japanese patent application is provided below.

Reason

The inventions related to the following claims of the present application could have been easily invented by a person with ordinary knowledge of technology in the field to which the invention belongs based on the inventions recited in the publications below, which had been distributed in Japan or abroad prior to the application, and therefore cannot receive a patent

according to the stipulations of Article 29, Paragraph 2 of the Japan Patent Law.

Note

(For a list of the cited literature, see the List of Cited Literature.)

(Claims 1 to 19)

Cited Literature 1 to 6

Remarks

An invention relating to contents rental is described in Cited Literature 1.

The invention described in Cited Literature 1 does not download to a recording medium, but this point is well known as is described in Cited Literature 2, and we can find no unique meaning to this point of difference.

The point about adding an advertisement is well known, as can be seen in Cited Literature 3 and 4.

Encrypting is well known, as can be seen in Cited Literature 5 and 6.

If new reasons for rejection are discovered, you will be notified of the reasons for rejection.

List of Cited Literature

1. Japanese Unexamined Patent Application Publication H10-222579
2. Japanese Unexamined Patent Application Publication 2000-11251
3. Japanese Unexamined Patent Application Publication H11-338809."

Applicant's statements regarding the Japanese Office Action is based on a partial translation that Applicant's representative obtained. This statement should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

Applicants respectfully request that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO SB/08 be returned in accordance with MPEP §609.

Respectfully submitted,

Date

November 19, 2003

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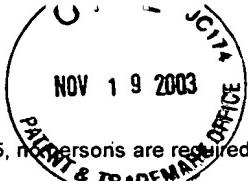
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MODIFIED PTO/SB/08 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.



O I P E

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: November 19, 2003 (use as many sheets as necessary)				Complete if Known	
Sheet	1	of	1	Application Number	09/851,424
				Filing Date	05/09/2001
				First Named Inventor	Yuji TSUKAMOTO
				Group Art Unit	2614
				Examiner Name	Unknown
				Attorney Docket Number	040447-0233

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code ² (if known)		
A1		6,230,268		MIWA et al.	05/08/2001

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY
		Office ³	Number ⁴		
A2	PCT	WO 97/21183			06/12/1997
A3	JP	10-222579			08/21/1998
A4	JP	10-269078			10/09/1998
A5	JP	11-164132			06/18/1999
A6	JP	11-338809			12/10/1999
A7	JP	2000-011251			01/14/2000

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.			
					T ⁶

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.